



Teaching  
Regulation  
Agency

# **Mr Anthony Moore: Professional conduct panel outcome**

**Panel decision and reasons on behalf of the  
Secretary of State for Education**

**July 2022**

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## **Professional conduct panel decision and recommendations, and decision on behalf of the Secretary of State**

<b>Teacher:</b>	Mr Anthony Moore
<b>Teacher ref number:</b>	9645575
<b>Teacher date of birth:</b>	20 August 1973
<b>TRA reference:</b>	16778
<b>Date of determination:</b>	14 July 2022
<b>Former employer:</b>	Kingsthorpe Grove Primary School, Northampton

### **Introduction**

A professional conduct panel ('the panel') of the Teaching Regulation Agency ('the TRA') convened on 14 July 2022 by way of a virtual hearing, to consider the case of Mr Anthony Moore.

The panel members were Ms Oluremi Alabi (lay panellist – in the chair), Ms Susanne Staab (teacher panellist) and Mr Martyn Stephens (lay panellist).

The legal adviser to the panel was Ms Josie Beal of Birketts LLP solicitors.

The presenting officer for the TRA was Mr Michael O'Donohoe of Browne Jacobson LLP solicitors.

Mr Moore was not present and was not represented.

The hearing took place by way of a virtual hearing in public and was recorded.

## Allegations

The panel considered the allegations set out in the notice of hearing dated 27 April 2022 (as amended following an application from the presenting officer).

It was alleged that Mr Moore was guilty of having been convicted of a relevant offence, in that:

1. On 15 February 2021, he was convicted of Possessing an Indecent Photograph or Pseudo-Photograph of a Child, contrary to the Criminal Justice Act 1988.
2. On 15 February 2021, he was convicted of three counts of Making Indecent Photograph[s] or Pseudo-Photograph of Children[s], contrary to the Protection of Children Act 1978.

## Preliminary applications

The panel noted that since the date of the referral to the TRA in this case, new 'Teacher misconduct: Disciplinary procedures for the teaching profession' were published in May 2020 (the 'May 2020 Procedures'). The panel understands that the earlier provisions contained within the 'Teacher misconduct: disciplinary procedures for the teaching profession' updated in April 2018 (the 'April 2018 Procedures') apply to this case, given that those provisions applied when the referral was made. Although the panel has the power to direct that the May 2020 Procedures should apply in the interests of justice or the public interest, the panel had received no representations that this should be the case. For the avoidance of doubt, therefore, the panel confirms that it has applied the April 2018 Procedures in this case.

### Application to proceed in the absence of the teacher

Mr Moore was not present at the hearing nor was he represented. The presenting officer made an application to proceed in the absence of Mr Moore.

The panel accepted the legal advice provided in relation to this application and took account of the various factors referred to within it, as derived from the guidance set down in the case of *R v Jones [2003] 1 AC 1* (as considered and applied in subsequent cases, particularly *GMC v Adeogba*).

The panel was satisfied that the Notice of Proceedings had been sent to Mr Moore in accordance with paragraph 4.11 of the Teacher Misconduct: Disciplinary Procedures for the Teaching Profession April 2018 (the 'Procedures').

The panel considered email exchanges between Mr Moore, the presenting officer and the TRA which, in its view, indicated that Mr Moore had no desire to engage in these proceedings or attend a hearing. Accordingly, the panel concluded that Mr Moore's

absence was voluntary and that he was aware that the matter would proceed in his absence.

The panel noted that Mr Moore had not sought an adjournment to the hearing and the panel did not consider that an adjournment would procure his attendance at a hearing. There was no medical evidence before the panel that Mr Moore was unfit to attend the hearing. The panel considered that it was in the public interest for the hearing to take place in a timely manner, particularly given the nature of the allegations against Mr Moore.

Having decided that it was appropriate to proceed, the panel agreed to seek to ensure that the proceedings were as fair as possible in the circumstances, bearing in mind that Mr Moore was neither present nor represented.

### **Application to amend allegations**

The presenting officer made an application to amend the allegations as follows:

- to amend the date in allegation 1 and allegation 2 from “22 April 2021” to “15 February 2021”;
- to remove “on 2 October 2016” from allegation 1; and
- to remove “between 4 February 2017 and 2 October 2017” from allegation 2.

In respect of the first amendment, the panel was informed that 22 April 2021 was the date of Mr Moore’s sentencing and had been included in error; 15 February 2021 was the date of his conviction. This was apparent from the documents in the bundle.

In respect of the remaining amendments, the panel was informed that the original wording of the allegations included dates upon which the offences were said to have taken place. However, the certificate of conviction included in the bundle did not confirm the dates of offending. The presenting officer therefore requested that these dates be removed from the allegations so that the allegations were accurate.

The panel was advised that it had the power to amend allegations in accordance with paragraph 4.56 of the Procedures.

The panel was mindful that, as a result of his non-attendance at the hearing, Mr Moore was not aware of the application to amend the allegations and did not have the opportunity to comment on it.

However, the panel was satisfied that the amendments did not change the nature, scope or seriousness of the allegations, but merely clarified the allegations. The bundle of documents before the panel indicated that Mr Moore understood the nature of the

allegations and the TRA's case against him. The panel concluded that there was no unfairness or prejudice caused by the amendments to the allegations. Accordingly, the panel granted this application and considered the amended allegations, which are set out above.

## **Summary of evidence**

### **Documents**

In advance of the hearing, the panel received a bundle of documents which included:

- Section 1: Chronology – page 4
- Section 2: Notice of Proceedings – pages 6 to 16
- Section 3: Teaching Regulation Agency documents – pages 18 to 55
- Section 4: Teacher documents – pages 57 to 65

The panel members confirmed that they had read all of the documents within the bundle, in advance of the hearing.

### **Witnesses**

No witnesses were called to give oral evidence at the hearing.

## **Decision and reasons**

The panel announced its decision and reasons as follows:

The panel carefully considered the case before it and reached a decision.

Mr Moore was employed as a SEMH (Social Emotional and Mental Health) Unit Teacher at Kingsthorpe Grove Primary School ('the School') from 1 September 2016.

The panel was provided with a copy of Mr Moore's job description which indicated that his duties included: planning or preparing lessons; delivering lessons and assessing development. The panel was also provided with an email exchange between Alison Dolan, Headteacher at the School and the presenting officer. Within the email exchange Ms Dolan confirmed that Mr Moore undertook the aforementioned duties and that he was a qualified teacher who did not require anybody else to oversee his planning. The panel was not provided with any evidence to suggest that Mr Moore disputed that he was a teacher within the meaning of the Teachers Disciplinary (England) Regulations 2012 ('Regulations'). The panel was satisfied that Mr Moore was responsible for carrying out

teaching work in accordance with the Regulations and, accordingly, that the TRA had jurisdiction to consider this matter.

On 6 October 2017, the police contacted the School to ask whether Mr Moore was a staff member of the School. The police subsequently attended the school site and arrested Mr Moore.

On 9 October 2017, Mr Moore was suspended from the School. His employment was subsequently terminated on 11 December 2017, following a disciplinary hearing.

The matter was referred to the TRA on 10 October 2017.

Mr Moore was convicted on 15 February 2021 and was later sentenced on 22 April 2021.

## **Findings of fact**

The findings of fact are as follows:

The panel found the following particulars of the allegations against you proved, for these reasons:

- 1. On 15 February 2021, you were convicted of Possessing an Indecent Photograph or Pseudo-Photograph of a Child, contrary to the Criminal Justice Act 1988.**
- 2. On 15 February 2021, you were convicted of three counts of Making Indecent Photograph or Pseudo-Photograph of Children, contrary to the Protection of Children Act 1978.**

The panel noted page 8 of the Teacher misconduct: The prohibition of teachers ('the Advice') which states that where there has been a conviction at any time, of a criminal offence, the panel will accept the certificate of conviction as conclusive proof of both the conviction and the facts necessarily implied by the conviction, unless exceptional circumstances apply. The panel did not find that any exceptional circumstances applied in this case.

The panel had been provided with a copy of the certificate of conviction from Northampton Crown Court, which confirmed that:

- on 15 February 2021, Mr Moore was convicted of possessing an indecent photograph/pseudo-photograph of a child; and
- on 15 February 2021 Mr Moore was convicted of three counts of making an indecent photograph/pseudo-photograph of a child.

On 22 April 2021 Mr Moore was sentenced at Northampton Crown Court to a total of 12 months' imprisonment suspended for 24 months. In addition, Mr Moore was required to

participate in the Horizon Programme for up to 35 sessions; required to undertake Rehabilitation Activity Requirement ('RAR') for a maximum of 20 days; made subject to a sexual harm prevention order for a period of 10 years; made subject to notification requirements for 10 years; ordered to forfeit various electronic devices; and ordered to pay a victim surcharge of £140.

The panel was provided with a copy of the Judge's sentencing remarks from the sentencing hearing on 22 April 2021. The sentencing remarks indicated that Mr Moore entered a guilty plea.

Mr Moore did not provide a response to the Notice of Proceedings but, in an email to the TRA dated 15 February 2022, he stated: "I have admitted the offences... I confirm that I have admitted my guilt".

On examination of the documents before the panel, the panel was satisfied that the facts of allegations 1 and 2 were proven.

## **Findings as to conviction of a relevant offence**

Having found the allegations proved, the panel went on to consider whether the facts of the proved allegations amounted to conviction of a relevant offence.

In doing so, the panel had regard to the document Teacher Misconduct: The Prohibition of Teachers, which is referred to as 'the Advice'.

The panel was satisfied that Mr Moore's conduct involved breaches of the Teachers' Standards. The panel considered that by reference to Part 2, Mr Moore was in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - showing tolerance of and respect for the rights of others
  - not undermining fundamental British values, including the rule of law, individual liberty and mutual respect
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

Mr Moore's conduct took place outside the education setting and there was no evidence before the panel that his conduct had impacted upon pupils within the School. However, Mr Moore's conduct involved possession of, and making indecent photographs or pseudo photographs of children. The sentencing remarks indicated that the images and videos included pre-pubescent boys and that a number of them fell into the most serious category, category A. In relation to the first three charges against Mr Moore, there were some 32 category A videos, 12 category B videos and a number of category C stills. In



relation to the fourth charge against Mr Moore, there were some 174 category A videos, 96 category B videos, 6 category C videos, 297 category A stills, 354 category B stills and 923 category C stills. The panel therefore found that Mr Moore's conduct was relevant to teaching, working with children and working in an education setting. He was in possession of and/or had made a number of indecent images/videos of young boys and, in his role as a teacher, he had been responsible for teaching children at a primary school.

The panel also concluded that the behaviour involved in committing the offence could have had an impact on the safety and/or security of members of the public, given that children were victims of the offending conduct. The panel noted the Judge's sentencing remarks, which indicated that the images were of real children who had suffered as a result of the images.

The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Moore's conduct could affect public confidence in the teaching profession, given the serious nature of his convictions.

The panel noted that Mr Moore's behaviour ultimately led to a sentence of imprisonment (albeit that it was suspended). The Advice indicates that a conviction leading to a term of imprisonment, including any suspended sentence, is likely to be considered a relevant offence.

The Advice also indicates that it is likely that a conviction for any offence that relates to or involves viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child, or permitting any such activity, including one-off incidents, will be considered a relevant offence.

The panel noted the Judge's sentencing remarks, which emphasised the seriousness of the offences as follows: "[redacted]" and "[redacted]".

The Judge also stated: "[redacted]".

The panel was of the view that Mr Moore's conduct was of a criminal nature and therefore relevant to his ongoing suitability to teach. It considered that possessing and/or making indecent images or pseudo images of children stood contrary to everything a teacher should stand for and is expected to represent, particularly given the volume and categorisation of the images and videos.

The panel therefore concluded that Mr Moore had been convicted of a relevant offence.

## Panel's recommendation to the Secretary of State

Given the panel's findings in respect of a conviction of a relevant offence, it was necessary for the panel to go on to consider whether it would be appropriate to recommend the imposition of a prohibition order by the Secretary of State.

In considering whether to recommend to the Secretary of State that a prohibition order should be made, the panel had to consider whether it would be an appropriate and proportionate measure, and whether it would be in the public interest to do so.

The panel was aware that prohibition orders should not be given in order to be punitive, or to show that blame has been apportioned, although they are likely to have punitive effect.

The panel had regard to the particular public interest considerations set out in the Advice and, having done so, found a number of them to be relevant in this case, namely: the safeguarding and wellbeing of pupils and the protection of other members of the public; the maintenance of public confidence in the profession; and declaring and upholding proper standards of conduct within the teaching profession.

In the light of the panel's findings against Mr Moore, which involved possessing and/or making indecent photographs/pseudo-photographs of children, there was a strong public interest consideration in respect of the protection of pupils. Similarly, the panel considered that public confidence in the profession could be seriously weakened if conduct such as that found against Mr Moore was not treated with the utmost seriousness when regulating the conduct of the profession.

The panel was of the view that a strong public interest consideration in declaring proper standards of conduct in the profession was also present as the conduct found against Mr Moore was outside that which could reasonably be tolerated.

In view of the clear public interest factors that were present, the panel considered carefully whether or not it would be proportionate to impose a prohibition order, taking into account the effect that this would have on Mr Moore.

In carrying out the balancing exercise, the panel had regard to the public interest considerations both in favour of, and against, prohibition as well as the interests of Mr Moore. The panel took further account of the Advice, which suggests that a prohibition order may be appropriate if certain behaviours of a teacher have been proved. In the list of such behaviours, those that were relevant in this case were:

- serious departure from the personal and professional conduct elements of the Teachers' Standards;

- the commission of a serious criminal offence, including those that resulted in a conviction or caution, paying particular attention to offences that are ‘relevant matters’ for the purposes of The Police Act 1997 and criminal record disclosures;
- any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo photograph or image of a child, or permitting such activity, including one-off incidents;

Even though some of the behaviour found proved in this case indicated that a prohibition order would be appropriate, the panel went on to consider the mitigating factors. Mitigating factors may indicate that a prohibition order would not be appropriate or proportionate.

There was no evidence that Mr Moore’s actions were not deliberate and there was no evidence to suggest that Mr Moore was acting under extreme duress.

No evidence was submitted to attest to Mr Moore’s previous history as a teacher or that he demonstrated exceptionally high standards in either his personal or professional conduct or that he had contributed significantly to the education sector.

The panel noted the sentencing remarks submitted as part of the bundle, which outlined that Mr Moore had expressed “complete guilt” in a letter submitted to the Judge and through others in the pre-sentence report. Mr Moore had also admitted his actions to the police, and, in fact, brought evidence to their attention. The Judge stated that this was to Mr Moore’s credit. The Judge also considered Mr Moore’s mitigating circumstances. Whilst no mitigation evidence was submitted to the panel, the panel took account of the Judge’s comments including: (a) Mr Moore’s unusual level of co-operation with the police; (b) Mr Moore’s personal circumstances, including his “[redacted]”; (c) Mr Moore had taken significant steps to address his own offending – [redacted].

The panel also considered emails between Mr Moore, the TRA and the presenting officer, within which Mr Moore stated: “I know I’ve been barred from teaching and I’m gutted because that’s all I’ve ever wanted to do. I’ve only ever wanted to be a teacher. I know that won’t happen again because of a foolish mistake I made meeting someone online who I should have punched in the face and called the police, but I didn’t.” and “I do not expect to be able to teach again, nor would I wish to. In any case I would be unemployable as a teacher.” and “My case is already in the public domain and I’ll never be able to teach again which deadens me inside.”

The panel concluded that, whilst the sentencing remarks and email correspondence demonstrated a level of insight, it was not compelling. In particular, in his email correspondence with the TRA and presenting officer, Mr Moore placed emphasis on the impact this matter has had on him. He did not refer to the impact on the children in the images and videos, who were the true victims. The panel therefore found this mitigation to be of limited assistance and placed little weight on it when reaching its decision.

The panel first considered whether it would be proportionate to conclude this case with no recommendation of prohibition, considering whether the publication of the findings made by the panel would be sufficient.

The panel was of the view that, applying the standard of the ordinary intelligent citizen, it would not be a proportionate and appropriate response to recommend no prohibition order. Recommending that the publication of adverse findings would be sufficient would unacceptably compromise the public interest considerations present in this case, despite the severity of the consequences for Mr Moore of prohibition.

The panel was of the view that prohibition was both proportionate and appropriate. The panel decided that the public interest considerations outweighed the interests of Mr Moore. The seriousness of Mr Moore's offending behaviour was a significant factor in forming that opinion. The panel was mindful that Mr Moore was in possession of and/or had made a large number of indecent images of young children, many of which fell into the most serious category, category A. Furthermore, the sentencing remarks indicated that Mr Moore had attempted to run file cleaning material in order to seek to conceal evidence.

Taking into account all of the evidence before it, the panel did not consider that it would be appropriate for Mr Moore to be able to continue to teach. The panel therefore made a recommendation to the Secretary of State that a prohibition order should be imposed with immediate effect.

The panel went on to consider whether or not it would be appropriate for it to decide to recommend a review period. The panel was mindful that the Advice states that a prohibition order applies for life, but there may be circumstances, in any given case, that may make it appropriate to allow a teacher to apply to have the prohibition order reviewed after a specified period of time that may not be less than 2 years.

The Advice indicates that there are behaviours that, if proved, would have greater relevance and weigh in favour of not offering a review period. The panel found the following to be relevant in this case: any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or indecent pseudo photograph or image of a child.

The panel decided that its findings indicated a situation in which a review period would not be appropriate. The panel was of the view that Mr Moore's conduct was at the more serious end of the spectrum and was incompatible with being a teacher. As such, the panel decided that it would be proportionate, in all the circumstances, for the prohibition order to be recommended without provisions for a review period.

## Decision and reasons on behalf of the Secretary of State

I have given very careful consideration to this case and to the recommendation of the panel in respect of both sanction and review period.

In considering this case, I have also given very careful attention to the Advice that the Secretary of State has published concerning the prohibition of teachers.

In this case, the panel has found all of the allegations proven and found that those proven facts amount to a relevant conviction.

The panel has made a recommendation to the Secretary of State that Mr Anthony Moore should be the subject of a prohibition order, with no provision for a review period.

In particular, the panel has found that Mr Moore is in breach of the following standards:

- Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:
  - showing tolerance of and respect for the rights of others
  - not undermining fundamental British values, including the rule of law, individual liberty and mutual respect
- Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

The findings of misconduct are particularly serious as they include findings of possessing and making indecent photographs and pseudo-photographs of children.

I have to determine whether the imposition of a prohibition order is proportionate and in the public interest. In considering that for this case, I have considered the overall aim of a prohibition order which is to protect pupils and to maintain public confidence in the profession. I have considered the extent to which a prohibition order in this case would achieve that aim taking into account the impact that it will have on the individual teacher. I have also asked myself, whether a less intrusive measure, such as the published finding of unacceptable professional conduct and conduct that may bring the profession into disrepute, would itself be sufficient to achieve the overall aim. I have to consider whether the consequences of such a publication are themselves sufficient. I have considered therefore whether or not prohibiting Mr Moore, and the impact that will have on the teacher, is proportionate and in the public interest.

In this case, I have considered the extent to which a prohibition order would protect children and safeguard pupils. The panel has observed, “Mr Moore’s conduct took place outside the education setting and there was no evidence before the panel that his conduct had impacted upon pupils within the School. However, Mr Moore’s conduct involved possession of, and making indecent photographs or pseudo photographs of

children. The sentencing remarks indicated that the images and videos included pre-pubescent boys and that a number of them fell into the most serious category,” A prohibition order would therefore prevent such a risk from being present in the future.

I have also taken into account the panel’s comments on insight and remorse, which the panel sets out as follows, “The panel concluded that, whilst the sentencing remarks and email correspondence demonstrated a level of insight, it was not compelling. In particular, in his email correspondence with the TRA and presenting officer, Mr Moore placed emphasis on the impact this matter has had on him. He did not refer to the impact on the children in the images and videos, who were the true victims.” In my judgement, the lack of full insight means that there is some risk of the repetition of this behaviour and this puts at risk the future wellbeing of children. I have therefore given this element considerable weight in reaching my decision.

I have gone on to consider the extent to which a prohibition order would maintain public confidence in the profession. The panel observe, “The panel also took account of the way the teaching profession is viewed by others. The panel considered that Mr Moore’s conduct could affect public confidence in the teaching profession, given the serious nature of his convictions.”

I am particularly mindful of the finding of a relevant conviction for these particular crimes in this case and the impact that such a finding has on the reputation of the profession.

I have had to consider that the public has a high expectation of professional standards of all teachers and that the public might regard a failure to impose a prohibition order as a failure to uphold those high standards. In weighing these considerations, I have had to consider the matter from the point of view of an “ordinary intelligent and well-informed citizen.”

I have considered whether the publication of a finding of a relevant conviction in the absence of a prohibition order, can itself be regarded by such a person as being a proportionate response to the misconduct that has been found proven in this case.

I have also considered the impact of a prohibition order on Mr Moore himself. The panel comment “No evidence was submitted to attest to Mr Moore’s previous history as a teacher or that he demonstrated exceptionally high standards in either his personal or professional conduct or that he had contributed significantly to the education sector.”

A prohibition order would prevent Mr Moore from teaching and would also clearly deprive the public of his contribution to the profession for the period that it is in force.

In this case, I have placed considerable weight on the panel’s comments, “The panel was mindful that Mr Moore was in possession of and/or had made a large number of indecent images of young children, many of which fell into the most serious category, category A.

Furthermore, the sentencing remarks indicated that Mr Moore had attempted to run file cleaning material in order to seek to conceal evidence.”

I have given less weight in my consideration of sanction therefore, to the contribution that Mr Moore has made to the profession. In my view, it is necessary to impose a prohibition order in order to maintain public confidence in the profession. A published decision, in light of the circumstances in this case, that is not backed up by full remorse or insight, does not in my view satisfy the public interest requirement concerning public confidence in the profession.

For these reasons, I have concluded that a prohibition order is proportionate and in the public interest in order to achieve the intended aims of a prohibition order.

I have gone on to consider the matter of a review period. In this case, the panel has recommended that no provision should be made for a review period.

I have considered the panel’s comments “the panel’s findings against Mr Moore, which involved possessing and/or making indecent photographs/pseudo-photographs of children”.

I have considered whether allowing for no review period reflects the seriousness of the findings and is proportionate to achieve the aim of maintaining public confidence in the profession. In this case, I have looked at the published advice and the panel’s recommendation. I consider that there are factors which mean that a no review is necessary. These factors are the nature of the offending and the lack of full insight.

I consider therefore that allowing for no review period is necessary to maintain public confidence and is proportionate and in the public interest.

**This means that Mr Anthony Moore is prohibited from teaching indefinitely and cannot teach in any school, sixth form college, relevant youth accommodation or children’s home in England.** Furthermore, in view of the seriousness of the allegations found proved against him, I have decided that Mr Anthony Moore shall not be entitled to apply for restoration of his eligibility to teach.

This order takes effect from the date on which it is served on the teacher.

Mr Anthony Moore has a right of appeal to the Queen’s Bench Division of the High Court within 28 days from the date he is given notice of this order.



**Decision maker: Alan Meyrick**

**Date: 22 July 2022**

This decision is taken by the decision maker named above on behalf of the Secretary of State.